IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

WP(C).No. 5780 of 2004(K)

DRC.358/2004 of DEBT RECOVERY TRIBUNAL, ERNAKULAM

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PETITIONERS:

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1. **V.M. MOHAMMED AZEEM, S/O. V.A.MOHAMMED HANEEFA, H.NO.303, 5TH A CROSS, OMBR LAY OUT BANUSUWADI, BANGALORE-43.**

2. **V.M. MOHAMMED ANZAR, S/O. V.A. MOHAMMED HANEEFA, H.NO.303, 5TH A CROSS OMBR LAY OUT, BANUSUWADI, BANGALORE-43.**

BY ADV. SMT.RASHMI RAVINDRAN

RESPONDENTS:

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1. **M/S. FEDERAL BANK LTD., BROADWAY BRANCH ERNAKULAM, REPRESENTED BY ITS CHIEF MANAGER SHRI.P. VENUGOPAL.**

2. **M/S. AZEEM & BROTHERS, MERCHANTS EXCEL/300, BASIN ROAD, ERNAKULAM, COCHIN-682 031, REPRESENTED BY ITS PARTNERS.**

3. **V.M. MOHAMMED AFZAL, S/O. V.A. MOHAMMED HANEEFA, THAVAKKAL HOUSE, S.R.M.ROAD, ERNAKULAM, COCHIN-682 018.**

4. **V.M. MOHAMMED ARSHAD, S/O V.A.MOHAMMED HANEEFA, THAVAKKAL HOUSE, S.R.M.ROAD, ERNAKULAM, COCHIN-682 018.**

5. **THE RECOVERY OFFICER, DEBTS RECOVERY TRIBUNAL, KERALA & LAKSHADWEEP, 8TH FLOOR KSHB BUILDING, PANAMPALLY NAGAR, ERNAKULAM, COCHIN-36.**

6. **THE DEBT RECOVERY TRIBUNAL, ERNAKULAM, REPRESENTED BY ITS REGISTRAR, 5TH FLOOR, KSHB BUILDING PANAMPALLY NAGAR, ERNAKULAM, COCHIN-36.**

BY ADV. SMT.GIRIJA.L., ADDL.CGSC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH, J.

W.P.(C) No.5780 of 2004

Dated 26th February, 2007.

J U D G M E N T

Petitioners approached this Court with certain grievances regarding rate of interest, fixation of reserve price and adjustment of alleged deposit of Rs.3 lakhs. As far as interest is concerned, the same stands concluded by the dismissal of Review Application No.2/03, until the same is otherwise unsettled. As far as the adjustment of amounts is concerned, it will be open to the petitioners to point out the same before the 5th respondent, in which case, the matter will be duly considered by the 5th respondent. It will also be open to the petitioners to bring the claim for one time settlement with notice to the first respondent, in which case, it will also be examined by the 5th respondent.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 26th February, 2007.